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| 10/763,607      | 01/23/2004  | Munir Uwaydah        | 016080-001          | 7270             |

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EXAMINER

SCHWARTZ, CHRISTOPHER P

|          |              |
|----------|--------------|
| ART UNIT | PAPER NUMBER |
|----------|--------------|

3683

DATE MAILED: 06/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/763,607

Applicant(s)

UWAYDAH, MUNIR

Examiner

Christopher P. Schwartz

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☐ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

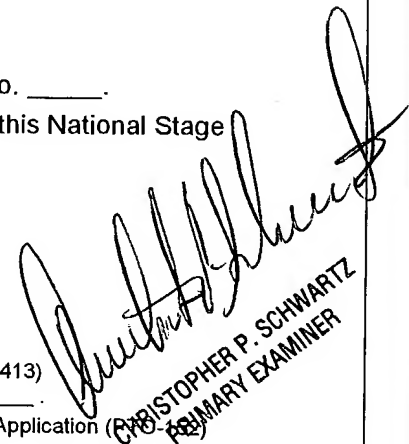
- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 2.

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-886)
- 6) ☐ Other: \_\_\_\_.

  
CHRISTOPHER P. SCHWARTZ  
PRIMARY EXAMINER

**DETAILED ACTION**

***Information Disclosure Statement***

1. The information disclosure statement has been received and considered.

***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 16-31 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 16,24 it is unclear how a "portion" of at least one of the protrusions defines a slanted parallelepiped (six sided) shape. From the figures an entire protrusion appears to define the shape.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1- 5,7-12,14,15 rejected under 35 U.S.C. 103(a) as being unpatentable over Arbesman '047 in view of Spigener.

Regarding claims 1,8 Arbesman discloses a brake pad backing plate having a plurality of discontinuities formed therein, as discussed at the top of column 3, so that a brake pad may be securely attached..

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Arbesman lacks the specifics of how the plate is formed.

However the method of cutting or stamping is notoriously well known in the art as discussed in Spigener column 2 lines 22-33.

One having ordinary skill in the art at the time the invention was made would have found it obvious to have stamped the plate of Arbesman from sheet material after first forming the discontinuities therein in a sheet so that new stamp dies do not have to be created for "each size and shape backing plate", as taught by Spigener.

Regarding claims 2-5,7,9-12,15 these requirements are met. Note the channels exist between the rows of discontinuities in Arbesman.

Regarding claim 14 the intent of Arbesman is to secure or mold a friction pad to the plate protrusions.

6. Claims 1-15 rejected under 35 U.S.C. 103(a) as being unpatentable over Hasegawa in view of Spigener.

Regarding claims 1,8 Hasegawa discloses a brake pad backing plate having a plurality of discontinuities formed therein as discussed at the top of column 3 (also), so that a brake pad may be securely attached. Note the dimples at 3.

Hasegawa lacks the specifics of how the plate is formed.

However the method of cutting or stamping is notoriously well known in the art as discussed in Spigener column 2 lines 22-33.

One having ordinary skill in the art at the time the invention was made would have found it obvious to have stamped the plate of Hasegawa from sheet material after first forming the discontinuities in a sheet of plate material so that new stamp dies do

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not have to be created for "each size and shape backing plate" desired, as taught by Spigener.

Regarding claims 2-4 note the channels and protrusions could be considered to be at 3b and 3c, as broadly claimed.

Regarding claims 5-7,9-15 these requirements are met by Hasegawa as modified above, and as broadly claimed.

7. Claims 16-31 rejected under 35 U.S.C. 103(a) as being unpatentable over Bunker et al. in view of Seitz et al..

Regarding claim 16 Bunker et al. discloses a backing plate with a number of protrusions having generally a "parallelepiped" shape but lacking a sixth side. See figures 3-7. Note that in column 2 line 25 Bunker states that numerous other shapes are possible. Also note the use of lip portions on some of the projections in Bunker et al.

Seitz et al. is relied upon for a teaching of a general parallelepiped shaped projection on a backing plate 11. See figure 2 element 20'.

One having ordinary skill in the art at the time of the invention would have found it obvious to have modified the projections of Bunker et al., to a "slanted" parallelepiped shape, as broadly claimed, simply as an alternative equivalent choice of contoured projections used for the securement of a friction pad to the backing plate.

Regarding claims 17-23,25-31 these limitations are simply obvious structural equivalents to that of Bunker et al., as modified above.

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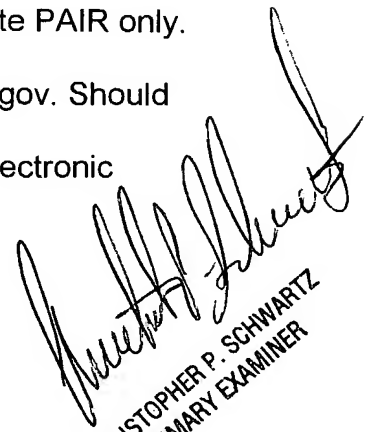
**Conclusion**

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The references cited show other types of plate projections.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher P. Schwartz whose telephone number is 703-308-0576. The examiner can normally be reached on M-F 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack W. Lavinder can be reached on 703-308-3421. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



CHRISTOPHER P. SCHWARTZ  
PRIMARY EXAMINER

Cps  
5/27/04